IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3519 OF 2005

Mohamed Taufiq Iqbal Parendrawala
& Ors. ...Applicants

Versus

The Senior Inspector of Police
& Anr. ...Respondents

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Mr.Zakir Hussain with Mr.K.Z.Nagamia
for Applicants.
Ms.Rajashree Gadhavi, A.P.P. for Respondents.

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CORAM: A.M.KHANWILKAR, J.
(VACATION JUDGE)
JUNE 3, 2005.

P.C.

1. Heard Counsel for the parties. Perused the F.I.R. and the remand application.

2. It is not in dispute that investigation is still in progress. The allegations against the

Applicants make out a serious offence under Sections 498A and 498B read with Section 34 of the Indian Penal Code. The remand application also spells out the nature of offence and the fact that investigation is still going on. It also states that if Applicants are released on bail, it is apprehended that they may tamper the prosecution evidence and influence the prosecution witnesses. It is in this backdrop that the Court below has initially granted police custody till 30th May 2005, which has been extended up to 6th June 2005.

3. As mentioned earlier, as investigation is still in progress and the offence is a serious offence, I am not inclined to grant bail in the fact situation of the present case, at least, insofar as Applicant No.1 who happens to be the husband of the Complainant and Applicant No.2, who is the father-in-law of the Complainant.

4. Insofar as Applicant No.3 is concerned, she is the mother-in-law of the Complainant and being female of advanced age of 50 years, in my opinion, she can be released on bail on the

conditions enumerated hereinafter.

5. It is made clear that it will be open to the Applicants 1 and 2 to apply for fresh bail before the lower Court, which will have to be considered on its own merits in accordance with law.

6. Accordingly, this Application is rejected, so far as Applicants 1 and 2 are concerned. Insofar as Applicant No.3 Smt.Sabira Iqbal Parandarwala is concerned, she is directed to be enlarged on bail in connection with C.R.No.91 of 2005 registered with Versova Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with two local sureties in the like amount.

. The Applicant No.3 may be initially released on cash bail, to be replaced by appropriate surety within two weeks from the date of the release.

7. The Applicant No.3 shall not influence the

prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

8. The Applicant No.3 shall report to the Police Station as and when required for the purpose of investigation and extend necessary cooperation in that behalf.

9. The Applicant No.3 shall not leave the jurisdiction of Versova Police Station, Mumbai, without prior intimation to the concerned Investigating Officer till the filing of the charge-sheet.

10. Application disposed of accordingly.

A.M.KHANWILKAR, J.